



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-1745
Released: December 3, 2014

COMMENTS INVITED ON APPLICATION OF CINCINNATI BELL TELEPHONE COMPANY, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 14-234
Comp. Pol. File No. 1177

Comments Due: January 2, 2015

Section 214 Application

Applicant: Cincinnati Bell Telephone Company, LLC

On September 15, 2014, Cincinnati Bell Telephone Company, LLC (CBT or Applicant), located at 221 East Fourth Street, Cincinnati, Ohio 45202, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue a certain domestic telecommunications service within CBT's service area in Kentucky and Ohio (Service Areas).

CBT indicates that it currently offers LAN Advantage Frame Relay Service in the Service Areas (Affected Service) as described in CBT's FCC Tariff No. 35, Section 18; Kentucky PSCK Tariff No. 2, Section 17; and Ohio PUCO Tariff No. 2. CBT describes its LAN Advantage Frame Relay Service as a transport service that facilitates the exchange of variable length information units (frames) between end customer connections by way of assigned Permanent Virtual connections (PVCs). CBT states, however, that Frame Relay Service equipment has been manufacturer discontinued and spare parts to maintain service are increasingly difficult to obtain. CBT indicates that it therefore plans to discontinue LAN Advantage Frame Relay Service in the Service Areas on or after February 1, 2015, subject to Commission authorization.¹ CBT asserts that notification letters were sent to affected customers via U.S. mail on September 3, 2014. According to CBT, there are currently only two customers of CBT's LAN Advantage Frame Relay Service in the Service Areas and they have both expressed their intention to move from LAN Advantage Frame Relay Service by December 31, 2014. CBT maintains that the public convenience and necessity thus will not be impaired by the proposed discontinuance. CBT states that it is considered dominant with respect to the service to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, CBT's application will be deemed to be granted automatically on the 60th day after the release date of this public notice, unless the

¹ In the application, CBT also states that it grandfathered Frame Relay Service via Transmittal No. 879, effective September 13, 2013. We note that action on this application is without prejudice to any potential enforcement action related to any previous unauthorized discontinuance, reduction or impairment of services.

Commission notifies CBT that the grant will not be automatically effective. In the application, CBT indicates that it plans to discontinue LAN Advantage Frame Relay Service in the Service Areas on or after February 1, 2015, subject to Commission authorization. Accordingly, pursuant to section 63.71(c) and the terms of CBT's application, absent further Commission action, CBT may discontinue its LAN Advantage Frame Relay Service in the Service Areas on or after **February 1, 2015**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

Comments objecting to this application must be filed with the Commission on or before **January 2, 2015**. Such comments should refer to **WC Docket No. 14-234 and Comp. Pol. File No. 1177**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules.² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant

² 47 C.F.R. §§ 1.1200 *et seq.*

page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

– FCC –